

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
DOUGLAS ATHERTON)	
Register Number 03696-082,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 5th day of November, 2007.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Civil Division
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461
Telephone: (919) 575-3900 x 6078
(919) 856-4309
FAX: (919) 856-4821

N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 5th day of November, 2007, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Douglas Atherton
Reg. No. 03696-082
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Douglas Atherton, Register Number 03696-082, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 24-month term of imprisonment, following the revocation of his supervised release. His original sentence was a 120-month term of imprisonment and a three-year term of supervised released, following his conviction for Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g) (D. Vt.) (Case No. 2:94-CR-38-01). His projected release date is November 5, 2007.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

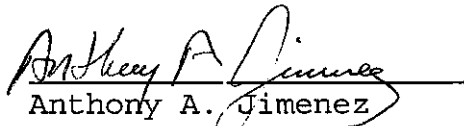
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Lewd and Lascivious Conduct With a Child, in the Chittenden District Court, Vermont (Case No. 4358-11-92CnCr), for conduct that included forcing a 12-year-old boy to touch his penis, attempting to touch the penis of a 13-year-old boy, measuring his penis in the presence of both boys, touching the 12-year-old boy's penis over his clothing on four or five occasions, touching the 13-year-old boy's penis over and under his clothing on seven to ten occasions, and threatening to kill the boys; Lewd and Lascivious Conduct With a Child, in the Chittenden District Court, Vermont (Case No. 3602-7-87CnCr), for performing oral sex on his girlfriend's five-year-old son on two occasions and threatening to kill the child if he told anyone; Lewd and Lascivious Conduct, in the Chittenden District Court, Vermont (Case No. 4014-10-82CnCr), for conduct that included providing cigarettes and marijuana to four ten-year-old boys and offering to give them a pack of cigarettes in exchange for performing oral sex on him, which one of the boys did in the presence of the other three;

(b) A limited psychological review indicated the following: Axis I diagnoses of Pedophilia, Sexually Attracted to Males, Nonexclusive; Paraphilia, Not Otherwise

Specified (Hebephilia); Alcohol Dependence, Without Physiological Dependence, in a Controlled Environment; Marijuana Dependence, Without Physiological Dependence, in a Controlled Environment; and Cocaine Abuse, by history; Axis II diagnosis of Antisocial Personality Disorder;

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, failure in sex offender treatment, non-compliance with supervision and/or treatment while on supervision, early onset of sexual offending, poor general self-regulation and lifestyle instability, significant intimacy deficits, and an expressed intention to resume substance abuse behavior upon release, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Anthony A. Jimenez
Chairperson
Certification Review Panel
Federal Bureau of Prisons

10/29/07
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
DOUGLAS ATHERTON,)	
Register Number 03696-082,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2007.

W. EARL BRITT
Senior U.S. District Judge